



## NOISE ORDINANCE AFFIDAVIT

I \_\_\_\_\_,  
Name of Affiant  
of \_\_\_\_\_  
Street Address, including suite or unit number  
\_\_\_\_\_  
\_\_\_\_\_  
City, State and Zip

affirm that I am the

- ☐ owner ☐ contractor ☐ engineer ☐ architect  
☐ design professional ☐ permit runner, or  
☐ agent for the owner to wit: \_\_\_\_\_

for the work to be performed at:

\_\_\_\_\_  
\_\_\_\_\_  
Street Address, including suite or unit number

under permit number/s

\_\_\_\_\_.

By obtaining the above listed permit/s and signing this affidavit, I am attesting to the fact that I have read and do understand the following excerpts of the City Code as they pertain to construction noise and the penalties that apply for violating the Noise Ordinance **and** that I will be responsible to either directly or indirectly notify **all** construction workers of these requirements as follows:

• **Exemptions 11-5-4(b)(10)** - Unless otherwise authorized by the city manager, the erection (including excavation), demolition, alteration or repair, and any and all activities necessary or incidental thereto, of any building, except a dwelling house when the activity is being conducted by an owner or occupant or agent thereof and not for profit, street, walk, sewer, utility line or other construction, shall be restricted to the hours listed in Table I.

• **Construction Hours and Activities 11-5-4(b)(15)** - Construction devices and power equipment. The operation or permitting the operation during the hours prohibited in Table I of any construction device or power equipment which is attended by loud or unusual noise as determined by the director, unless permitted in accordance with section 11-5-7 of this chapter. Also prohibited prior to the authorized start time is construction noise associated with activities such as, but not limited to: noise attributed to workmen arriving on the job (ie: talking, laughing, or singing); vehicular noise; the playing of radios or other music; moving or stacking of construction materials; or other site related construction noise.

TABLE I

Day	Prohibited Hours	
	Before	After
Monday through Friday	7:00 a.m.	6:00 p.m.
Saturdays	9:00 a.m.	6:00 p.m.
Sundays	All Hours	
Holidays per 11-5-5 (a)5(a)*	All Hours	

\* Section 11-5-5 (a)5(a) defines holidays as January 1<sup>st</sup>, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

• **Pile Driving Hours 11-5-4 (b) (19)** - Unless otherwise authorized by the city manager, pile driving equipment may only be operated between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday, and between 10:00 a.m. and 4:00 p.m. on Saturdays. Pile driving is prohibited on Sundays and Holidays (see 11-5-5(a)5(a).

• **Noise Variance 11-5-7** - Application for a permit to work beyond the scope of the hours outlined in Table I and/or Section 11-5-4 (b)(19) may be made to the city manager or his duly authorized representative. Any permit granted shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

• **Penalties 11-5-12 - (a) Civil Violation:** Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for civil violations as follows:

- first violation = \$50 fine
- second violation = \$100 fine
- third and subsequent violations within 14 days of first violation = \$500 fine

(b) **Criminal Violation:** Any person who knowingly refuses or neglects to comply with any written order to cease or abate any violation issued by an authorized enforcement officer, shall be guilty of a class 2 misdemeanor.

(c) Each hour of a continued violation shall constitute a separate offense under this chapter.

In addition to the above described penalties, I also acknowledge that violations of the noise ordinance may result in a Stop-Work-Order being issued for the job. Civil penalties must be paid before the Stop-Work-Order will be released.

\_\_\_\_\_/\_\_\_\_\_  
Signature of Affiant Date

Distribution: Original to file  
Copy to Applicant  
Copy to T&ES/Noise Pollution Control  
Copy stapled to issued Permit/s